

Application No.: 09/677,131  
Old Attorney's Docket No. 040070-619  
New Attorney's Docket No. 0119-026

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**Amendments to the Claims:**

Please replace all prior versions, and listings of claims in the application with the following listing of claims.

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**Listing of claims**

Claim 1 (cancelled)

Claim 2 (currently amended): ~~The method of claim 1, further comprising a step of~~ A method for controlling transmit power, comprising the steps of:

determining a data rate of at least a first channel;

controlling the transmit power of the at least first channel based on the determined data rate; and

adjusting a ratio of power between the at least first channel and a second channel based on the data rate of the first data channel, wherein the transmit power of the at least first channel is controlled using the adjusted ratio.

Claim 3 (original): The method of claim 2, wherein the first data channel is a data channel, and the second data channel is a control channel.

Claim 4 (original): The method of claim 2, wherein the ratio is adjusted such that a power offset between the first channel and the second channel is proportional to the data rate of the first channel.

Claim 5 (original): The method of claim 2, wherein the ratio is adjusted based on the coding rate.

Claim 6 (original): The method of claim 2, wherein the ratio is adjusted based on the data transmission rate.

Claim 7 (original): The method of claim 2, wherein the ratio is adjusted based on a rate matching parameter.

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Claim 8 (currently amended): The method of claim ~~[[1]]~~ 2, further comprising receiving power control commands and adjusting the transmit power based on the received power control commands.

Claim 9 (cancelled)

Claim 10 (original): ~~The apparatus of claim 9, further comprising~~ An apparatus for controlling transmit power, comprising:

means for determining a data rate of at least a first channel;

means for controlling the transmit power of the at least first channel based on the determined data rate; and

means for adjusting a ratio of power between the at least first channels and second channels based on the data rate of the at least first channel, wherein the means for controlling the transmit power uses the adjusted ratio.

Claim 11 (original): The apparatus of claim 10, wherein the first data channel is a data channel, and the second data channel is a control channel.

Claim 12 (original): The apparatus of claim 10, wherein the ratio is adjusted such that power offset is proportional to the data rate of the first channel.

Claim 13 (original): The apparatus of claim 10, wherein the ratio is adjusted based on the coding rate.

Claim 14 (original): The apparatus of claim 10, wherein the ratio is adjusted based on the data transmission rate.

Claim 15 (original): The apparatus of claim 10, wherein the ratio is adjusted based on a rate matching parameter.

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Claim 16 (original): The apparatus of claim 10, further comprising means for adjusting the power of the first and second channels based on power control commands.

Claim 17 (cancelled)